

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
(Atlanta Division)**

MATTHEW K. FIELDS,	:	
	:	
<i>Plaintiff,</i>	:	CASE NO. _____
	:	
v.	:	
	:	
CHECKR GROUP, INC.	:	
	:	
<i>Defendant.</i>	:	
	:	

DEFENDANT CHECKR GROUP, INC.’S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1332, 1367(a), 1441, and 1446, Defendant Checkr Group, Inc. (“Checkr”) by and through its counsel and with full reservation of all defenses, objections, and exceptions, hereby gives notice that the above-styled action pending in the Magistrate Court of Gwinnett County, Georgia, is removed to the United States District Court for the District of Georgia (Atlanta Division) on the basis of federal question jurisdiction. In support of removal, Checkr respectfully states as follows:

Timeliness of Removal

1. On or about April 22, 2024, Plaintiff, Matthew Fields (“Plaintiff”) filed a Statement of Claim in the Magistrate Court for Gwinnett County, Georgia, entitled *Matthew K. Fields v. Checkr Group, Inc.*, Case No. 24-M-17255. A copy of the Statement of Claim is attached as Exhibit A.

2. Plaintiff served Checkr with a copy of the Statement of Claim on April 29, 2024, by personal service, a copy of which is attached as Exhibit B.

3. On or about May 13, 2024, Plaintiff sent Counsel for Checkr a First Amended Complaint via email inquiring whether Counsel would accept service of the First Amended Complaint on behalf of Checkr. A true and accurate copy of the email attaching the First Amended Complaint is attached hereto as Exhibit C.

4. On information and belief, Plaintiff has not filed the First Amended Complaint. *See* true and correct copy of the full case record for *Matthew K. Fields v. Checkr Group, Inc.*, Case No. 24-M-17255, attached hereto as Exhibit D.

5. Either way, the filing of this Notice of Removal meets the requirements of 28 U.S.C. § 1446(b), as it is being filed within 30 days of service of the original Statement of Claim and/or the First Amended Complaint.

Appropriate Venue

6. Because the Magistrate Court for Gwinnett County, Georgia lies within the District of Georgia, Atlanta Division, this Court is the appropriate venue for removal. 28 U.S.C. §§ 100(2), 1441(a), and 1446(a).

Nature of Claims Alleged and Federal Question Jurisdiction

7. Federal courts have original jurisdiction of all cases that arise under federal law, 28 U.S.C. § 1331, and such cases are explicitly within this Court's removal jurisdiction. 28 U.S.C. § 1441(b) (courts have removal jurisdiction for any action in which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States).

8. Here, Plaintiff's Complaint alleges claims against Checkr for violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* ("FCRA").

9. The FCRA is a federal statute. The operative trigger for whether a claim can be brought for violation of a federal statute is whether the statute contains a private right of action. *Merrell Dow Pharms. Inc. v. Thompson*, 478 U.S. 804 (1986). Congress created an express private right of action in the FCRA for consumers to enforce the Act's provisions. 15 U.S.C. §§ 1681n and 1681o. Additionally, the FCRA specifically vests district courts with jurisdiction over any "action to enforce any liability created under [the FCRA]." 15 U.S.C. § 1681p.

10. Accordingly, Plaintiff's FCRA claims are within the Court's federal question jurisdiction. 28 U.S.C. § 1331. Pursuant to 28 U.S.C. § 1441(b), an action within the Court's federal question jurisdiction is removable without regard to the parties' citizenship or residence.

11. By signing below, counsel for Checkr consents to this removal in compliance with the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

Notice of Removal Given to the State Court

12. Checkr will file the Notice of Filing of Notice of Removal, attached hereto as Exhibit E, in *Matthew K. Fields v. Checkr Group, Inc.*, Case No. 24-M-17255, Magistrate Court for Gwinnett County, Georgia, and serve a copy of the Notice on Plaintiff, as required by 28 U.S.C. § 1446(d).

WHEREFORE, for all the foregoing reasons, removal of this action to this Court is proper pursuant to the provisions of 28 U.S.C. §§ 1331, 1332, 1367(a), 1441, and 1446.

Dated: May 15, 2024

Respectfully submitted,

/s/ Patrick Silloway
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*Attorney for Defendant Checkr
Group, Inc.*

CERTIFICATE OF COUNSEL REGARDING FONT SIZE

Counsel certifies that the foregoing has been prepared using Times New Roman font size 14 in accordance with Local Rules 5.1(B)(3) and 7.1(D).

This 15th day of May, 2024.

/s/ Patrick Silloway
Patrick Silloway
Georgia Bar No. 971966

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2024, a true and correct copy of the foregoing Notice of Removal was served by U.S. Mail, postage prepaid, to the party listed below:

Matthew K. Fields
PO Box 25607
Chattanooga, TN 37422
Pro se Plaintiff

/s/ Patrick Silloway
Patrick Silloway
Georgia Bar No. 971966